WO NOT FOR PUBLICATION IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA Jose J. Rodriguez, No. 04-CV-2808-PHX-FJM Petitioner, **ORDER** VS. Deputy Warden Tucker, et al., Respondents.

We have before us Petitioner's Petition for a Writ of Habeas Corpus (doc. 1), Respondents' Amended Answer (doc. 19), the United States Magistrate Judge's Report and Recommendation (doc. 26), Respondents' Amended Objections to the Report and Recommendation (doc. 28), Petitioner's Motion to Strike Respondents' Objections (doc. 29), and Petitioner's Response to Respondents' Objections (doc. 30). Respondents did not respond to petitioner's motion to strike, and the time for filing a response has expired.

The Report and Recommendation was filed and delivered to defendants by electronic mail on January 27, 2006. "Within 10 days after being served [with a copy of the recommended disposition], a party may file objections as provided by local court rule." Rules Governing § 2254 Cases 8(b); see also 28 U.S.C. § 636(b)(1). Pursuant to Rule 6(a), Fed. R. Civ. P., any objection was due by February 10, 2006. Respondents filed their objections on February 27, 2006 and their amended objections on March 1, 2006, both of

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which violate our timing rules. Respondents failed to seek an extension of time in which to file an objection, and they set forth no reason for the delay. Petitioner moves to strike the objections on timeliness grounds. Respondents failed to respond to petitioner's motion to strike. Failure to respond to a motion "may be deemed a consent to the . . . granting of the motion and the Court may dispose of the motion summarily." LRCiv 7.2(i). Accordingly, IT IS ORDERED GRANTING petitioner's motion to strike the respondents' untimely objections (doc. 29). Although we have reservations about the Magistrate Judge's recommended disposition, no timely objections have been filed. Therefore, pursuant to Rule 8(b), Rules Governing § 2254 Cases, we accept the Magistrate Judge's recommendation (doc. 26). Accordingly, IT IS ORDERED DISMISSING the petition for a writ of habeas corpus without prejudice. DATED this 21st day of April, 2006. United States District Judge